

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

KRISTY SANCHEZ-YOUNG, Individually, §  
as the surviving spouse, and as the §  
Representative of the Estate of §  
CHRISTOPHER LADALE YOUNG and §  
LAURA ANN HOWARD and CLAYTON §  
HOWARD, as surviving parents, §

*Plaintiffs,*

v.

REYSON TRUCKING LLC and §  
REYNALDO RAFAEL APARICIO, §

*Defendants.*

CIVIL ACTION NO. 6:21-cv-178

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**DEFENDANTS REYSON TRUCKING, LLC AND REYNALDO RAFAEL APARICIO'S  
NOTICE OF REMOVAL**

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Defendants Reyson Trucking LLC and Reynaldo Rafael Aparicio file this Notice of Removal pursuant to 28 U.S. Code § 1446, and respectfully shows as follows:

**BACKGROUND**

1. Plaintiffs brought this wrongful death and survival action in connection with a motor vehicle accident that occurred in Smith County, Texas on January 29, 2021.<sup>1</sup>

**STATE COURT ACTION**

2. Plaintiffs filed suit against Defendants on March 9, 2021.<sup>2</sup> The case was filed in the 7th Judicial District Court of Smith County, Texas, under cause number 21-0469-A, case style *Kristy Sanchez-Young, Individually, as the surviving spouse, and as the Representative of the*

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<sup>1</sup> Ex. C (Plaintiffs' Original Petition).

<sup>2</sup> *Id.* at 1.

DEFENDANTS' NOTICE OF REMOVAL

*Estate of Christopher Ladale Young and Laura Ann Howard and Clayton Howard, as surviving parents v. Reyson Trucking LLC and Reynaldo Rafael Aparicio.*<sup>3</sup>

**JURISDICTION**

3. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1332(a) because this is a civil action in which the amount in controversy exceeds \$75,000, exclusive of interests and costs. Furthermore, under 28 U.S.C. § 1441(b)(2), no defendant is a citizen of Texas where this action was brought.

4. Plaintiffs seek damages greater than \$1,000,000.<sup>4</sup>

5. Defendant Reynaldo Trucking LLC's principal place of business was in Florida when Plaintiffs' suit was filed.<sup>5</sup> Defendant Reynaldo Rafael Aparicio is also domiciled in Florida.<sup>6</sup>

6. For these reasons, the amount-in-controversy and diversity requirements of 28 U.S.C. § 1332(a) are met as to all parties, and the Court has subject matter jurisdiction over this action.

**TIMELINESS**

7. After Plaintiffs filed their Original Petition on March 9, 2021, the Smith County district court issued a citation to Reynaldo Trucking LLC and Reynaldo Rafael Aparicio.<sup>7</sup> Defendants were served on April 19, 2021.

**CONDITIONS PRECEDENT**

8. Defendants have tendered the required filing fee to the Clerk of the United States District Court for the Eastern District of Texas, Tyler Division, along with this Notice of Removal.

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<sup>3</sup> Ex. B (Docket Sheet).

<sup>4</sup> Ex. C at 3, 8.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.*

<sup>7</sup> Ex. D (Citations).

DEFENDANTS' NOTICE OF REMOVAL

Defendant will promptly file a copy of this Notice of Removal with the Smith County Clerk and provide notice to Plaintiffs through their counsel of record.

9. Copies of all executed process, pleadings, and orders filed in state court, as well as the docket sheet, an index of matters being filed, and list of counsel of record accompany this notice.<sup>8</sup>

**CONDITIONAL REQUEST FOR HEARING AND JURISDICTIONAL DISCOVERY**

10. If any Plaintiff contests this removal, Reynaldo Trucking, LLC and Reynaldo Rafael Aparicio request (1) a hearing regarding this Court's jurisdiction over, and the propriety of removal of, this matter; (2) the opportunity to present evidence demonstrating the existence of federal jurisdiction and the propriety of removal, as well as to provide additional briefing on these issues; and (3) leave to conduct limited discovery relating to those matters.

Respectfully submitted,

**THE FUENTES FIRM, P.C.**

/s/ David Helmey

DAVID HELMEY

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**ATTORNEYS FOR DEFENDANTS**

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<sup>8</sup> See 28 U.S.C. § 1446; E.D. Tex. Local Rule CV-81; Ex. A (Index of Documents), Ex. B, Ex. C, Ex. D (Citations); Ex. E (Citation Returned Service); and Ex. F (List of Counsel of Record).

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record through the Court's ECF system on May 5, 2021.

Roland Witherspoon  
Attorney for Plaintiffs

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/s/ David Helmey  
DAVID HELMEY